

### REMARKS

Applicants' representatives would like to thank Examiner Hunter for looking over the Interview Agenda and agreeing with the arguments in the Interview on August 3, 2007.

Accordingly, claims 1-11, 13-23 are currently pending in the subject application. Claim 12 has been cancelled. Claims 1, 17, and 22 have been amended as shown on pp. 3-6 of the Reply solely to incorporate the limitations in cancelled claim 12. No change in claim scope is intended. In addition, the drawing has been amended (as indicated on p. 2), also to cure typographical errors.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1-11, and 13-23 Under 35 U.S.C. §102(b)**

Claims 1-11, and 13-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by Card, et al. US 7,069,518 (hereinafter "Card").

Applicants' representative respectfully submits that Card does not anticipate claim 1 and, similarly, claims 17 and 22 under 102(b) because Card was published June 27, 2006, which is not *more than 1-year prior to the date of the application for Patent in the U.S.* Specifically, the present invention was filed March 16, 2004. Accordingly, applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection.

Claim 1 recites, "A system for displaying item...*global controls for collecting unrelated items in a set of items to subsequently preview the items*" (emphasis added).

Page 4 of The Office Action contends that:

"Card discloses a system further comprising global controls for collecting unrelated items in a set of items to subsequently preview the items (440 Fig. 5B Drawing. **Note:** Applicant shows a group of unrelated files, folders, or display entities in 400 Fig. 3 of the applicant's drawing)."

However, Card fails to disclose or suggest global controls for collecting unrelated items in a set of items to subsequently preview the items. Specifically, 440 Fig. 5B does

not disclose or suggest global controls for collecting unrelated items in a set of items.

Moreover, Card discloses:

“one or more slide-out pages may be placed in a bin 510, wherein all the pages are of the same size format. FIG 5B illustrates, by way of example, three thumbnail size slide-out pages 44 placed in bin 510...an automatic page arrangement function can be used. The automatic page arrangement function can use a degree of interest function in order to determine the proper size allocation. The degree of interest function calculates the degree of interest that the user has in each of the objects to be displayed” (column 8, lines 31-45).

Card discloses a degree of interest function calculates the degree of interest that the user has in each of the objects to be displayed (column 8, lines 31-45), which does not disclose or suggest global controls for collecting unrelated items in a set of items to subsequently preview the items. Card’s degree of interest function appears to teach away from global controls for collecting unrelated items in a set of items.

Claim 16 is a means plus function claim under 35 U.S.C. 112 sixth paragraph as described in MPEP 2181. MPEP 2181 recites:

Per our holding, the "broadest reasonable interpretation" that an examiner may give means-plus-function language is that statutorily mandated in paragraph six. Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination.

Claim 16 recites, “A system configured to facilitate information preview...means for selecting the set of information items; means for detecting a value with respect to the set of information items; and means for previewing the information items based upon incrementing or decrementing the value. Under 35 U.S.C. 112 sixth paragraph, the structure from the specification should be considered when rendering a patentability determination.

Applicant’s specification states (on page 8), “Other components in the ACC 120 for cycling and rendering collections include an object locator 170 for detecting when a collection of items has been selected and a motion or command detector 180 to cycle

through the selected collection.” As a result, the “means for detecting a value with respect to the set of information items” is a motion or detects motion from the user (See figure 1 of applicant’s specification). Whereas, the Office Action contends that Card discloses a means for detecting a value (1 Fig. 8 Drawing) with respect to the set of information items (i.e. chapter tabs), (Col. 10 lines 57-62). Card’s chapter tabs do not disclose or suggest a means for detecting a value with respect to the set of information items as disclosed in the claims.

Each of claims 2-11, 13-15, 18-21, and 23 depend from independent claims 1, 17 and 22, respectively, and are allowable as depending from allowable base claims. These claims are also allowable for their own recited features, which in combination with those recited in their respective base claims, are not taught or suggested by Card.

### **CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063[MSFTP544US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicants’ undersigned representative at the telephone number below.

Respectfully submitted,

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